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12 | Attorneys for Plaintiff

12 Attorneys for Plaintiff  
13 Jiaxing Super Lighting Electric Appliance Co., Ltd.

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

JIAXING SUPER LIGHTING ELECTRIC ) Case No. 3:21-cv-08489-MMC  
APPLIANCE CO., LTD., individually, and )  
derivatively on behalf of Lunera Lighting, Inc., )  
Plaintiff, ) **DECLARATION OF WELLSEY YU IN**  
vs. ) **SUPPORT OF PLAINTIFF'S MOTION**  
JOHN BRUGGEMAN, STEVE WESTLY, )  
FRANK CREER, DAVE COGLIZER, SUSAN )  
MCARTHUR, ALAN GREENBERG, ) Date: June 17, 2022  
RICHARD ROCK, TYNAX, INC., SIGNIFY ) Time: 9:00 a.m.  
HOLDING B.V., ADVANCED TRADING ) Courtroom: 7 (19<sup>th</sup> Floor)  
LLC, OEO ENERGY SOLUTIONS, LLC, )  
JOHN EINARSEN, LAWRENCE BUTZ, and ) *Hon. Maxine M. Chesney*  
LUNERA LIGHTING, INC., )  
Defendants. )  
)

**DECLARATION OF WELLSEY YU**

I, Wellsey Yu, declare as follows:

1. I am a Vice President of Jiaxing Super Lighting Electric Appliance Co., Ltd. ("Super Lighting"), plaintiff in the above-captioned action. I am over twenty-one years of age, of sound mind, and am competent to provide this declaration. The facts stated in this declaration are true and correct and within my personal knowledge.

7       2.      I am providing this declaration in support of Super Lighting's Motion for Leave to  
8      Effect Alternative Service of the First Amended Verified Complaint (ECF 54, the "FAC") on  
9      defendant Signify Holding B.V. ("Signify BV"), a holding company located in The Netherlands.  
10     (FAC ¶ 7.)

11       3.     On November 1, 2021, Super Lighting filed its original Verified Complaint in this  
12 action (ECF 1, the “Complaint”) asserting claims for fraudulent transfer of assets and a creditor  
13 derivative claim for breach of fiduciary duties against former directors of Lunera Lighting, Inc.  
14 (“Lunera”). Among the allegations made against several other parties, the Complaint also contained  
15 detailed and particularized allegations of fraudulent transfer against Signify BV concerning the  
16 transfer of several Lunera patents to Signify BV. (See ECF 1, ¶¶ 143-164).

17       4.     Due, however, to the existing business relationship between Super Lighting and  
18 Signify BV's affiliate in Shanghai, China ("Signify China"), the Complaint did not name Signify BV  
19 as a party defendant. Super Lighting elected instead to make a good faith effort to negotiate a  
20 potential resolution of the claims against Signify BV prior to filing any amendment to add Signify  
21 BV as a party defendant. The as-filed Complaint still included the detailed fact allegations against  
22 Signify BV in paragraphs 143-164. (See ECF 1.)

23       5.     Accordingly, on November 8, 2021, Super Lighting’s Chairman, Tao Jiang, sent a  
24 copy of the as-filed Complaint to Signify China’s Maggie Zhao, a Director in its procurement  
25 department, in a WeChat message. Mr. Jiang’s message provided a brief overview of the allegations  
26 and explained that Signify BV was originally included as a named defendant but was omitted prior  
27 to the filing of the Complaint in order for the parties to attempt to engage in good faith settlement

1 negotiations given their commercial relationship. Ms. Zhao acknowledged receipt of the message  
2 and Complaint.

3 6. On December 10, 2021, Serena Sun, IP Counsel with Signify China, emailed me and  
4 represented that she was designated by Signify N.V.—the parent company of Signify BV and  
5 Signify China located in The Netherlands—to negotiate with Super Lighting.

6 7. On December 13, 2021, representatives of Super Lighting (including myself) held  
7 negotiations with Ms. Sun regarding a potential resolution and settlement of the allegations made  
8 against Signify BV in the Complaint.

9 8. Ms. Sun and I held additional settlement negotiations regarding the allegations  
10 against Signify BV on December 16 and December 22, 2021.

11 9. On February 18, 2022, as Super Lighting’s February 22 amendment deadline was  
12 approaching, representatives of Super Lighting (including myself) held further negotiations with Ms.  
13 Sun to potentially resolve the claims against Signify BV. Ms. Mariette Smilde, the Manager of IP  
14 Counseling and Brand Marketing for Signify N.V., also participated in the settlement negotiations.

15 10. During the February 18 negotiations, Super Lighting explained to Ms. Sun and Ms.  
16 Smilde that Super Lighting will amend the Complaint to add Signify BV as a party defendant if the  
17 parties are not able to reach a settlement before Super Lighting’s February 22 amendment deadline.

18 11. Super Lighting and Ms. Sun continued to hold negotiations on February 21, 2022.

19 12. On February 22, 2022, after the parties were unable to come to agreement on  
20 settlement terms, Super Lighting filed the FAC that, among other unrelated amendments, added  
21 Signify BV as a party defendant. (See ECF 54).

22 13. On April 13, 2022, my colleague at Super Lighting (Chelsea Chiu) emailed a copy of  
23 the FAC to Ms. Sun and Ms. Smilde. A true and correct copy of the April 13 email is attached as  
24 *Exhibit 1*.

25 ///

26 ///

27 ///

28 ///

1 I hereby declare and affirm under penalty of perjury pursuant to 28 U.S.C. § 1746 that the  
2 forgoing is true and correct.

3  
4 Executed this 4 day of May, 2022.

5 By: Wellsey Yu  
6 Wellsey Yu  
7 Vice President  
8 Jiaxing Super Lighting Electric  
9 Appliance Co., Ltd.

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## **EXHIBIT 1**

**Wolak, Michael**

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**From:** 邱静谊 <chelseachiu@super-lamps.com>  
**Sent:** Wednesday, April 13, 2022 6:40 AM  
**To:** serena.sun@signify.com; mariette.smilde@signify.com  
**Cc:** chelseachiu  
**Subject:** Super Lighting's First Amended Complaint  
**Attachments:** Super Lighting First Amended Complaint.pdf

Hello Serena

Further to the telephone conferences with you and Ms. Smilde on Feb. 18, 2022 and you on Feb. 21, 2022, please find the first amended complaint filed at the Northern District Court of California on Feb. 22, 2022 as attached hereby.

Chelsea

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Chelsea Chiu  
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